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EXAMINER

HARPER, V PAUL

ART UNIT PAPER NUMBER

2654

DATE MAILED: 10/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,139

Applicant(s)

MUELLER, FRIEDRICH

Examiner

V. Paul Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***U.S. National Stage Application***

1. Acknowledgement is made of the indication that the present application is filed under 35 U.S.C. 371, of the indication that the required form PCT/DO/EO/903 is present, and of the use of transmittal form PCT/DO/EO/1390. Thus, the present application is being treated as a filing under 35 U.S.C. 371.

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities: the limitation on line 3 of the claim states "the data memory" which should be changed to —a data memory— or the dependency of the claim changed to depend upon claim 8. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Haavisto et al. (U.S. Patent 5,864,603), hereinafter referred to as Haavisto.

Regarding claims 1 and 6, Haavisto discloses an apparatus for controlling a telephone with voice commands. Haavisto's apparatus includes: **a speech recognition device to recognize acoustic objects, the acoustic objects being at least one of individual letters, combinations of letters, control commands, and configured to recognize the acoustic objects** (col. 6, lines 45-67); **and a device for acoustic output or optical display of recognized acoustic objects** (col. 4, lines 34-38, col. 9, lines 1-5, Fig. 6 item 111 display).

Regarding claims 2 and 7, Haavisto teaches everything claimed, as applied above (see claims 1 and 6, respectively). In addition Haavisto teaches **the speech recognition device is configured such that the recognition of one of the control commands causes the output or display of an acoustic object to trigger the output or display of a further acoustic object** (Figs. 1 to 3 and 5, col. 5, lines 9-65, in particular lines 29-30 where a state transition is based on the user dialog).

Regarding claims 3 and 8, Haavisto teaches everything claimed, as applied above (see claims 1 and 6, respectively). In addition Haavisto teaches **a data memory which is configured such that the recognition of one of the acoustic objects or a**

**sequence of objects which corresponds to an entry in a data memory triggers the display or output of the entry or a function of the system associated with the entry** (col. 8, lines 12-25 and lines 45-67).

Regarding claims 4 and 9, Haavisto teaches everything claimed, as applied above (see claims 3 and 6, respectively). In addition Haavisto teaches **a recognition capacity is improved by a comparison of possible objects or object sequences with existing entries in the data memory** (col. 4, lines 4-33).

Regarding claims 5 and 10, Haavisto teaches everything claimed, as applied above (see claims 1 and 6, respectively). In addition Haavisto teaches **the speech recognition device is switched, with the aid of the control commands, into specific operating states for the recognition of the individual letters, combinations of letters and/or control commands.** (col. 3, lines 45-56, Figs. 1 and 3, col. 5).

#### ***Citation of Pertinent Art***

5. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Kaneuchi et al. (U.S. Patent 4,928,302) disclose voice activated dialing with stored standard speech patterns.
- Laurila et al. (U.S. Patent 6,314,166) disclose a method for dialing a telephone by voice commands and a telecommunication terminal controlled by voice commands.

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- Shimada (U.S. Patent 5,222,121) discloses a voice recognition dialing unit with an indicating section.
- Vysotsky et al. (U.S. Patent 5,832,063) disclose a method for activating telephone services using speech recognition.
- Clowes et al. (U.S. Patent 4,644,107) disclose a voice-controlled telephone using a visual display.

### ***Conclusion***

Any response to this office action should be mailed to:

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or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.

VPH/vph  
September 26, 2003



**VIJAY CHAWAN**  
**PRIMARY EXAMINER**